

Misbranding was alleged for the reason that the statements, "Each powder contains $2\frac{1}{2}$ grains Acetanilid" and "do not contain * * * Habit-forming * * * or Injurious Drug", borne on the package and the statements "do not contain any * * * habit forming * * * or injurious drug, and are absolutely guaranteed by the undersigned under the National Pure Food and Drug Act of June 30, 1906", contained in a circular shipped with the article, were false and misleading since each of said powders did not contain $2\frac{1}{2}$ grains of acetanilid but did contain a less amount, the article did contain a habit-forming and injurious drug, namely, acetanilid, and it did not conform to the Food and Drugs Act of June 30, 1906. Misbranding was alleged for the further reason that the article contained acetanilid and the label on the package failed to bear a plain and conspicuous statement of the quantity and proportion of acetanilid contained therein. Misbranding was alleged for the further reason that certain statements, designs, and devices regarding its therapeutic and curative effects appearing in the labeling falsely and fraudulently represented that it was effective for the general relief of pain, especially rheumatism and grippe; effective for the quick and positive relief of rheumatism, neuralgia, pleurisy, fever, and grippe; effective as a quick and permanent relief in all cases of rheumatism and other troubles caused by a rheumatic tendency in the system, such as neuralgia, pleurisy, headache, and all aches and pains in the joints and muscles caused by colds, grippe, or fevers; effective as a remedy for uric acid deposits in the system and to prevent any kidney or stomach troubles, rheumatism, neuralgia, pleurisy, headache, backache, sciatica, and lumbago; effective as a treatment, remedy, and cure for rheumatism, inflammatory rheumatism, sciatic rheumatism, chronic rheumatism, swollen joints, and rheumatic pains.

On October 1, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$10.

W. R. GREGG, *Acting Secretary of Agriculture.*

25075. Misbranding of Phen-O-Lene. U. S. v. The Weston Manufacturing & Supply Co., Inc., a corporation, and Reginald G. Weston. Pleas of nolo contendere. Fine, \$25 imposed upon each defendant. (F. & D. no. 33787. Sample no. 66706-A.)

Unwarranted curative and therapeutic claims were made for this product.

On January 10, 1935, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Weston Manufacturing & Supply Co., Inc., a corporation, and Reginald G. Weston, Denver, Colo., alleging shipment by them, in violation of the Food and Drugs Act as amended, on or about January 8, 1934, from Denver, Colo., to Amarillo, Tex., of quantities of Phen-O-Lene which was misbranded. The article was labeled in part: (Cans) "Phen-O-Lene Trade Mark * * * The Weston Manufacturing and Supply Company 'Stock Breeders' Supplies' 1942 Speer Blvd., Corner Larimer Street, Denver, Colo."

Analysis showed that the article consisted essentially of calcium carbonate (70 percent), phenol (7.5 percent), small proportions of ferric oxide and potassium iodide, chlorides, and phosphates, flavored with oil of anise.

The article was alleged to be misbranded in that the label on the cans and a circular enclosed in the packages bore and contained false and fraudulent statements that the article was effective, among other things, for breeding livestock; and effective as a treatment, remedy, and cure for infectious and contagious abortion, and to get at the cause thereof.

On November 6, 1935, pleas of nolo contendere were entered, and each defendant was fined \$25.

W. R. GREGG, *Acting Secretary of Agriculture.*